

ENT APPLICATION OF

Attorney Dkt. No. 011210-0304563

ENGELEN et al.

Confirmation No. 8655

Application No. 10/608,502

Group Art Unit:

Filed: June 30, 2003

Examiner:

FOR: METHOD OF MANUFACTURING A STAMPER FOR PRODUCING OPTICAL

DISCS, A STAMPER THUS OBTAINED AND AN OPTICAL DISC OBTAINED

BY USING SUCH A STAMPER

Commissioner for Patents P.O. BOX 1450 Alexandria, VA 22313-1450

**ATTENTION: OFFICE OF PETITIONS** 

06/30/2004 LWDWJM1 00000071 10608502

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130.00 DA

#### PETITION TO THE COMMISSIONER

In reply to the Notice to Incomplete Reissue Application dated June 1, 2004 (copy enclosed), Applicants respectfully submit that the specification for the above-identified reissue application was in fact deposited in the United States Patent and Trademark Office (PTO) on June 30, 2003.

As evidenced by the enclosed copy of the PTO date stamped post card receipt, a Reissue Patent Application Transmittal, along with the specification, including claims of the patent for which reissue is requested (in double column format pursuant to 37 C.F.R.  $\S1.173(a)(1)$ ), a facsimile copy of the executed Reissue Declaration, a Preliminary Amendment and Statement Pursuant to 37 C.F.R. § 1.173(s) and Application Data Sheet, are indicated as having been received by the PTO. For convenience, Applicants also provide herewith a complete copy of Applicants' June 30<sup>th</sup> filing.

Applicants respectfully submit that they have established receipt in the PTO of the specification and request that the application be granted a filing date of June 30, 2004.

Applicants authorize the Commissioner to charge the requisite \$130 petition fee under 37 C.F.R. §1.17(h) to our Deposit Account No. 03-3975 under Order No. 11210/304563. However, it is respectfully submitted that the petition fee be refunded since the specification was in fact received by the PTO.

PTO/SB/17 (10-03)
Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE r the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL		Complete if Known					
		Application Number	10/608,502				
for FY 200	na l	Filing Date	June 30, 2003				
Effective 10/01/2003, Patent fees are subject to		First Named Inventor	ENGELEN ET AL.				
Applicant claims small entity status. See 37 CFR 1.27		Examiner Name					
		Art Unit	2753				
TOTAL AMOUNT OF PAYMENT (\$) 1	130.00	Attorney Docket No.	011210-0304563				

METHOD OF PAYMENT (check all that apply)	FEE CALCULATION (continued)						
Check Credit card Money Other None	3. A	DDIT	ONA	. FEI	ES		
X Deposit Account:	<u>Large</u>	Entity	Small	Entity	Y		
Deposit Account 033975	Fee Code	,	Fee Code		Fee Description	Fee Paid	
Number	1051	130	2051		Surcharge - late filing fee or oath	<b>└</b>	
Deposit Account Name PILLSBURY WINTHROP LLP	1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	<u>├</u>	
The Director is authorized to: (check all that apply)	1053	130	1053	130	Non-English specification	┝──┤╏	
X Charge fee(s) indicated below X Credit any overpayments	1812	2,520	1812	2,520	For filing a request for ex parte reexamination	I	
X Charge any additional fee(s) or any underpayment of fee(s)	1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		
Charge fee(s) indicated below, except for the filling fee to the above-identified deposit account.	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		
	1251	110	2251	55	Extension for reply within first month		
FEE CALCULATION  1. BASIC FILING FEE	1252	420	2252	210	Extension for reply within second month	<b>├</b>	
Large Entity Small Entity	1253	950	2253	475	Extension for reply within third month		
Fee Fee Fee Fee Description Fee Paid	1254	1,480	2254	740	Extension for reply within fourth month		
Code (\$) Code (\$) 1001 770 2001 385 Utility filing fee	1255	2,010	2255	1,005	Extension for reply within fifth month		
1002 340 2002 170 Design filing fee	1401	330	2401	165	Notice of Appeal		
1003 530 2003 265 Plant filing fee	1402	330	2402	165	Filing brief in support of an appeal		
1004 770 2004 385 Reissue filing fee	1403	290	2403	145	Request for oral hearing		
1005 160 2005 80 Provisional filing fee	1451	1,510	1451	1,510	Petition to institute a public use proceeding		
SUBTOTAL (1) (\$) 0.00	1452	110	2452	55	Petition to revive - unavoidable	<u> </u>	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE	1453	1,330	2453	665	Petition to revive - unintentional	iI	
Fee from	1501	1,330	2501	665	Utility issue fee (or reissue)	<u> </u>	
Extra Claims below Fee Paid  Total Claims X	1502	480	2502		Design issue fee		
Independent 200	1503	640	2503		Plant issue fee		
Claims - 3" =	1460	130	1460	130	Petitions to the Commissioner	130.00	
· · ·	1807	50	1807	50	Processing fee under 37 CFR 1.17(q)		
Large Entity   Small Entity Fee Fee Fee Fee Fee Description	1806	180	1806	180	Submission of Information Disclosure Stmt		
Code (\$)   Code (\$)   1202 18   2202 9   Claims in excess of 20	8021	40	8021	40	Recording each patent assignment per property (times number of properties)		
1201 86 2201 43 Independent claims in excess of 3	1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))		
1203 290 2203 145 Multiple dependent claim, if not paid	1810	770	2810	385	For each additional invention to be		
1204 86 2204 43 ** Reissue independent claims over original patent	4004	770	2801	205	examined (37 CFR 1.129(b))		
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1205 18 2205 9 Reissue claims in excess of 20 and over original patent		300	1002	300	of a design application		
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SUBMITTED BY (Complete (if applicable)							
Name (Printi Type) Christing WicCarthy Registration No. (Attorney/Agent) 41844 Telephone (703) 905-2143				. 41	844 Telephone (703) 905-21	43	

Signature

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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PAT-103 5/02 PTO RECEIPT FOR INDICATED ITEMS Appln. No: New Reissue of USPN 6423477 Inventor(s) ENGELEN ET AL. Title: Method of Manufacturing a Stamper	Atty Date 06/30/03 C# 008895 M# 0304563
ENCLOSED:  Amendment	
NOTE: SPECIFICATION IS A COPY OF USPN 6423477 <u>CURRENT</u> DUE DATE:	

PAT-103 5/02 PTO RECEIPT FOR INDICATED ITEMS Atty JSB/AJM Appln.'No: New Reissue of USPN 6423477 Date 36/30/03 · Inventor(s)ENGELEN ET AL. C# 008895 Title: Method of Manufacturing a Stamper... M# 0304563 ENCLOSED: Amendment ☐ Appendix ☐ Cover sheet #\_.1\_No. of Pages Abstract #\_4 No. of Pages Spec and Claims #\_11\_ No. of numbered Claims only Reissue Declaration (4 #pgs) #\_1 No. of Priority Document, 17858 U.S. ☐ IDS Letter ☐ cited Appl(s) ☐ Foreign sch rept./OA ☐ PTO-1449 ☐ cited docs. \$\_750.00 To be charged to Dep. Acct. No. 03-3975 NOTE: SPECIFICATION IS A COPY OF USPN 6423477

**CURRENT** DUE DATE:



PTO/SB/50 (02-01)

Approved for use through 01/31/2004. OMB 0651-0033

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#### REISSUE PATENT APPLICATION TRANSMITTAL

<u> </u>					
Address to:	Attorney Docket No.	P304563-WIT/P58129US00			
Assistant Commissioner for Patents	First Named Inventor	Thomas Wilhelmus Engelen			
Box Reissue	Original Patent Number	6,423,477			
Washington, DC 20231	Original Patent Issue Date (Month/Day/Year)	07/23/2002			
	Express Mail Label No.				
APPLICATION FOR REISSUE OF:  (Check applicable box)  Utility Patent	Design Patent	Plant Patent			
APPLICATION ELEMENTS (37 CFR 1.173)	ACCOMPANYING APP	LICATION PARTS			
Fee Transmittal Form (PTO/SB/56)  (Submit an original, and a duplicate for fee processing)	10. Statement of status to the claims. See 3	s and support for all changes			
2. Applicant claims small entity status. See 37 CFR 1.27.	to the claims. See 3	• •			
Specification and Claims in double column copy of patent format (amended, if appropriate)	Ribboned Origina				
4. Drawing(s) (proposed amendments, if appropriate)	Statement of Los	s (PTO/SB/55)			
5. Reissue Oath/Declaration (original or copy) (37 C.F.R. § 1.175) (PTO/SB/51 or 52)	12. Foreign Priority Cla	im (35 U.S.C. 119)			
6. Power of Attorney	13. Information Disclos Statement (IDS)/PT	Oop. 00 0			
7. Original U.S. Patent currently assigned? Yes No	14. English Translation	n of Reissue Oath/Declaration			
(If Yes, check applicable box(es))	(II applicable)				
Written Consent of all Assignees (PTO/SB/53)	15. Preliminary Amend	ment			
37 C.F.R. § 3.73(b) Statement (PTO/SB/96)	Return Receipt Postcard (MPEP 503) (Should be specifically itemized)				
8. CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table	17. Other:	·			
Nucleotide and/or Amino Acid Sequence Submission     (if applicable, all of the following are necessary)					
a. Computer Readable Form (CRF)					
b. Specification Sequence Listing on: i ☐ CD-ROM (2 copies) or CD-R (2 copies); or					
ii  paper					
C. Statements verifying identity of above copies	DDESS				
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NAME (Print/Type) Jack S. Barufka	Registration No. (Attorney/Agent)	37087			
Signature	<i>D</i> ate	06/30/2003			

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## IN THE UNITED STATE PATE AND TRADEMARK OFFICE

In re APPLICATION FOR REISSUE OF

U.S. Patent 6,423,477

Granted: July 23, 2002

INVENTORS: Engelen et al.

Group Art Unit: 1756

Appln. No.: 09/529,011

Examiner: McPherson, J.

Original Application Filed: June 26, 2000

Title: METHOD OF MANUFACTURING A STAMPER FOR PRODUCING

OPTICAL DISCS, A STAMPER THUS OBTAINED AND AN OPTICAL DISC

**OBTAINED BY USING SUCH A STAMPER** 

June 30, 2003

# PRELIMINARY AMENDMENT AND STATEMENT PURSUANT TO 37 C.F.R. § 1.173(c)

Mail Stop Reissue Commissioner for Patents PO Box 1450 Alexandria, VA 22313-1450

Sir:

Prior to the examination of this application for reissue of U.S. Patent No. 6,423,477, please amend the application as follows.



### Engelen -- Application for Reissue of U.S. Patent No. 6,423,477

### **IN THE SPECIFICATION:**

On page 1, column 1, below the title, please insert the following text:

This application is the National Phase of International Application No. PCT/NL98/00576, which was filed on October 7, 1998 and was published in English under Article 21(2).



#### **REMARKS**

Claims 1-11 are pending in this application for reissue of U.S. Patent No. 6,423,477. By this amendment, Applicants have amended the first sentence of the specification to recite domestic priority information, as required by 37 C.F.R. § 1.78(a)(2). Additionally, in an amendment physically incorporated into the reissue application specification, Applicants have amended claim 1 to remove the phrase "heating the photoresist film;" (that phrase is found at column 7, line 7).

Support for the amendment to claim 1 can be found, *inter alia*, in the examples of column 4, line 65 through column 6, line 64 of the specification. More particularly, support can be found in the table in column 5, lines 13-23, describing the process parameters for example 1. None of those examples require heating the photoresist film after development but before additional exposure.

Early and favorable action on this reissue application are respectfully requested. If any questions arise, the Examiner is invited to contact the undersigned.

Respectfully submitted,

Pillsbury Winthrop LLP

Jack S. Barufka

Reg. No.:37087

Tel. No.: (703) 905-2012 Fax No.: (703) 905-2500

JSB\AM 1600 Tysons Boulevard McLean, VA 22102 (703) 905-2000



Attorney Docket No. 008895-0266945 Client Reference: WIT/P58129US00

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application for reissue U.S. Patent No. 6,423,477 of THOMAS WILHEMUS ENGELEN et al.

Application No.:

09/529,011

Confirmation No:

8634

Filed:

June 26, 2000

Group No.:

1756

Examiner

McPherson, J.

For:

A METHOD OF MANUFACTURING A STAMPER FOR PRODUCING OPTICAL DISCS, A STAMPER THUS OBTAINED AND AN OPTICAL DISC OBTAINED BY USING SUCH

A STAMPER

June 30, 2003

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

## APPLICATION DATA SHEET 37 C.F.R. § 1.76

#### **BIBLIOGRAPHIC DATA**

#### 1. Applicant information

First applicant: THOMAS WILHEMUS ENGELEN

Citizenship: THE NETHERLANDS Residence: Alkmaar, The Netherlands

Address 1: Boezemsingel 5 Address 2: 1821 AH Alkmaar Address 3: The Netherlands

Second applicant: WALTER T.M. STALS

Citizenship: THE NETHERLANDS Residence: Weert, The Netherlands

Address 1: Buitenwiek 14 Address 2: 6003 CS Weert Address 3: The Netherlands

Third applicant: JACOBUS J.T.T. VERMEIJLEN

Citizenship: THE NETHERLANDS
Residence: Helmond, The Netherlands

Address 1: Kalmoesbeek 2 Address 2: 5709 PV Helmond Address 3: The Netherlands

Application Date Sheet--page 1 of 3

COPY

#### 2. Correspondence information

Correspondence for this application should be addressed as follows:

Pillsbury Winthrop LLP P.O. Box 10500 McLean, VA 22102

Customer No.: 00909

#### 3. Application information

Title of Invention: A METHOD OF MANUFACTURING A STAMPER FOR PRODUCING OPTICAL DISCS, A STAMPER THUS OBTAINED AND AN OPTICAL DISC OBTAINED BY USING SUCH A STAMPER

Docket number assigned to this application: 008895-0304563

Suggested Classification:

Class: 430 Subclass: 321

Technology Center to which subject matter is assigned: 1756

Total number of drawing sheets: 0

Type of application:

Reissue

#### 4. Representative information

The following have a power of attorney or authorization of agent in this application:

The practitioners associated with Customer No.: 00909

#### 5. Domestic Priority information

The patent for which reissue is sought is the National Phase of International Application No. PCT/NL98/00576, filed on October 7, 1998.

#### 6. Foreign priority information

Foreign priority is claimed as follows:

Country: The Netherlands Application No.: 1007216 Filing Date: October 7, 1997

Application Date Sheet--page 2 of 3



### 7. Assignee information

The assignee of the patent for which reissue is sought is:

OTB Group B.V. Luchthavenweg 10 5657 EB Eindhoven, The Netherlands Extent of interest of assignee: entire

Jack \$. Barufka
Registration No. 37087

PILLSBURY WINTHROP LLP

P.O. Box 10500 McLean, VA 22102

(703) 905-2012

Customer No. 00909



PTO/SB/17 (01-03) Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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#### Complete if Known FEE TRANSMITTA 09/529,011 (U.S. Patent No. 6,423,477) Application Number June 26, 2000 Filing Date for FY 2003 THOMAS WILHEMUS ENGELEN First Named Inventor Effective 01/01/2003. Patent fees are subject to annual revision. Examiner Name McPherson, J. Applicant claims small entity status. See 37 CFR 1.27 Art Unit .1756 --- ----TOTAL AMOUNT OF PAYMENT (\$) 750.00 008895-0304563

TOTAL AMOUNT OF PAYMENT (\$) 750.00 Attorney Docket No.   008895-0304563						<i>_</i>		
METHOD OF PAYMENT (check all that apply)			FEE CALCULATION (continued)					
Check Credit card Money Other None		3. ADDITIONAL FEES						
		Large I	Entity	Small	Entity			
X Deposit Account:	<del></del> -	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee	Description	Fee Paid
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1. BASIC FILING FEE		1252	410	2252	205	Extension for re	eply within second month	<del> </del>
Large Entity Small Entity		1253	930	2253	465	Extension for re	eply within third month	
Fee Fee Fee Fee Description	Fee Paid	1254	1,450	2254	725	Extension for re	eply within fourth month	I
Code (\$) Code (\$) 1001 750 2001 375 Utility filing fee		1255	1,970	2255	985	Extension for re	ply within fifth month	<u> </u>
1002 330 2002 165 Design filing fee		1401	320	2401	160	Notice of Appea	gi .	
1003 520 2003 260 Plant filing fee		1402	320	2402	160	Filing brief in si	upport of an appeal	
1004 750 2004 375 Reissue filing fee	750.00	1403	280	2403	140	Request for ora	l hearing	
1005 160 2005 80 Provisional filing fe		1451	1,510	1451	1,510	Petition to instit	ute a public use proceeding	
SUBTOTAL (1)	\$) 750.00	1452	110	2452	55	Petition to reviv	e - unavoidable	
		1453	1,300	2453	650	Petition to reviv	e - unintentional	
2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE		1501	1,300	2501	650	Utility issue fee	(or reissue)	
Extra Claims	elow Fee Paid	1502	470	2502	235	Design issue fe	e	
Total Claims 11 -20** = 0 X	=	1503	630	2503	315	Plant issue fee		
Claims LL ASA = LV - AL	‡4	1460	130	1460	130	Petitions to the	Commissioner	
Multiple Dependent	1	1807	50	1807	50	Processing fee	under 37 CFR 1.17(q)	
Large Entity   Small Entity Fee Fee Fee Fee Description	_	1806	180	1806	180	Submission of I	nformation Disclosure Stmt	
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SUBMITTED BY (Complete (if applicable)								
Name (Printi Type) Lack S Barutka	V /	F	Registra		37	087	Telephone (703) 905-2	2012

June 30, 2003 Signature

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| SSUE APPLICATION DECLARATION BY THE INVENTOR, page 2) P266945-WII/P58129US00 (REISSUE APPI ICATION DECLARATION BY THE INVENTOR, page 2)

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Residence Utrecht, THE NETHERLAND	s	Çinzei i	THE NFTHERLANDS				
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Turkoolstaan 70, Utrecht, The Full name of second joint invent	or (given name, family name)	Walter	I M. Stal	•			
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Inventor's signatum		_					
Residence Neutriweert, THE NETHERL	ederween, The NLTHENDARD						
Mailing Address Kruyelmusweg 1A, Nederwe	ert, The Netherlands, NL-6	5031 NJ					
Full name of third joint invegtor (	giyan name, family name)	Jacobus		/ermeljien		· · · · · · · · · · · · · · · · · · ·	
Inventor's eignature	-165 :	Date	5.6	-'03			
Residence THE NET HERLA	edin	Citizen	ship THE	NETHERLANDS			
Maiting Address Ruberisstraat 8, Eindhoven,	The Netherlands, NL-5613	JT_					
Additional joint Inventors or legal rec	nresentative(s) are named on separate	Siy numbered	wiscole form	NO PTO/EB/02A or 03LR stact	red heret	<u>.                                    </u>	

[Page 2 of 2]